

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL SHAWN LYNCH,

Defendant.

§
§
§
§
§
§
§
§
§

CRIMINAL ACTION NO. 4:07-CR-132-
ALM

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on October 6, 2016 to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Andrew Stover.

On January 7, 2008, Defendant was sentenced by the Honorable United States District Judge Richard A. Schell of the Eastern District of Texas after pleading guilty to the offense of Possession with the Intent to Distribute or Dispense Methamphetamine. Defendant was sentenced to 115 months imprisonment followed a five year term of supervised release. The term of imprisonment was ordered to run concurrently with the following parole revocation cases which arise from the instant offense: (1) Case No.: 01-246, Tapering with Anhydrous Ammonia Equipment; and (20 Case No.: 03062, Possession of controlled Substances, both in 235th Judicial District, Cooke County, Texas; (3) Case no.: F-20004-0695-A and (4) Case No.: F2004-1215-A,

Possession of Controlled Substance, both in the 16th Judicial District Court of Denton County, Texas.

On August 14, 2015, Defendant completed his period of imprisonment and began service of his term of supervised release. On September 7, 2016, this case was reassigned to United States District Judge Amos Mazzant.

On September 20, 2016, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 28 Sealed]. The Petition asserted that Defendant violated two (2) conditions of supervision, as follows: (1) Defendant shall not commit another federal, state, or local crime; and (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

Prior to the Government putting on its case, Defendant entered a plea of true to allegation two (2), and stipulated that the the underlying nature of non-compliance was that Defendant engaged in the excessive use of alcohol.

Defendant waived his right to allocate before the District Judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty-one (21) months followed by a term of supervised release of twenty-four (24) months.

The Court also recommends that Defendant be housed in the Bureau of Prisons North Texas region, if appropriate.

SIGNED this 7th day of October, 2016.

A handwritten signature in black ink, appearing to read 'C. Nowak', written over a horizontal line.

Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE